

AUS920030326US1**10/606,683****REMARKS / ARGUMENTS**

The Examiner has cited a new reference, US 20005/0033582 A1 to Gadd et al. (Gadd), in rejecting claims 1 - 5 and 8 - 13. The other four claims, 6, 7, 14 and 15, remaining in the case would be allowable if rewritten in independent form to include all the limitations appearing in their respective rejected base claims.

Claims 1, 4, and 10 (group A) now stand rejected under 35 USC 103 (c) using the combination of Chalon and Gadd; claims 2, 5 and 14 (group B), in view of the combination of Chalon, Gadd and Dean; and claims 3, 8, 9, 11 and 12 (group C), in view of the combination of Chalon, Gadd and Nemoto.

References other than Gadd have been cited and applied in prior office actions. Applicants incorporate their prior arguments with respect to those references, Chalon, Dean, Hayashi and Nemoto.

It appears that the arguments Applicants advanced in their last response were successful insofar as the only difference in the Examiner's reasoning for his rejection is Gadd, particularly paragraph 0106, as applied to Applicants' "interactively ascertaining" element in claim 1. Therefore, the following remarks and arguments deal primarily with Gadd alone and in combination with the other references.

The prior art cited by the Examiner does not teach or suggest user language usage preferences as that phrase is used by Applicants. Chalon does give language as a possible preference. The spoken language interface of Gadd describes an adaptive learning mechanism for learning a user's preferences [¶0041]. Further discussion appears as part of the description of the Dialog Manager [¶0088]. In the paragraph particularly used by the Examiner [¶0106] there again appears emphasis on the adaptive nature of the learning technique wherein a profile is built first based on statistical modeling across an entire

Response to July 25, 2007 Office Action

Page 6 of 9
November 26, 2007

AUS920030326US1**10/606,683**

population of users [¶0107]. Even when Gadd teaches "A more powerful technique is to profile individual user preferences early on in the transaction...", the general data of the masses is still used "initially to set a set of tuning parameters..." What is missing from the teaching or suggestion of Gadd is Applicants' treatment of user language usage pattern preferences. The far more complicated interface of Gadd attempts to provide a user with a conversation like experience. Applicants interactively determine, for example, pronoun preferences, at the beginning of a transaction and thereafter present subsequent information to the user using the pronoun preference selected by that user. This aspect of the present invention is found in the Specification as originally filed and in each of the independent claims as filed. That is, each of claims 1, 4 and 10 include "user language usage preferences or user language pattern preferences."

One cannot ignore "language usage" as meant by Applicants when attempting to apply the prior art, none of which ever mentions language usage pattern preferences.

Applicants traverse all rejections based on the combinations of references including Gadd. Their invention as claimed is not taught or suggested by Chalon combined with Gadd since, contrary to the Examiner's interpretation, Gadd does not provide the feature of interactively determining from a user her preferred language usage pattern and thereafter providing in that session all subsequent information from the computer system using those language usage pattern preferences. Further, as Applicants have previously argued, Chalon does not present those features of Applicants' claims as posited by the Examiner. Per Chalon [¶s 0041 – 0047] any change is only effective on a subsequent visit by the user to a given Web site.

Claims in group A are the independent claims in the present application. As noted above each contains a requirement that a given user's language usage preference be ascertained. As noted above Applicants strongly traverse the Examiner's position that this feature is

Response to July 25, 2007 Office Action

Page 7 of 9
November 26, 2007

AUS920030326US1**10/606,683**

taught in Gadd. Ever if it were, the combination of Chalon and Gadd fail to yield the present invention s claimed.

Applicants' group B claims relate to different features of the present invention. Claims 5 and 13 add the limitation that the automated computer system comprises a Web browser with access to at least a Web site. Applicants agree that that feature, per se, is found in the reference cited. Claims 5 and 13 are dependent from base claims including the limitation, Applicants assert, not found in the prior art of interactively ascertaining a user's language usage pattern preferences. Thus, Applicants assert they are patentable over the art cited. Claim 2 contains the Web browser limitation as well as a further detailed description of the ascertaining step of claim 1. That latter feature is not present in any of the combinations of references asserted by the Examiner in finding that claim obvious.

Applicants' group C claims contain one or both of the limitations pertaining to the automated computer system comprising an automated telephonic response system with voice recognition and generation ability and iteratively querying the user to learn preferred voice qualities. Again, Applicants point out that these dependent claims include all the features of their base claims. As such, Applicants assert their patentability over the prior art. Even when some features of the prior art are included, the invention describes by these claims remain patentable there over because none of the art teaches Applicants' interactively ascertaining user language usage preferences.

Applicants find no recognition of the desirability of considering user language usage pattern preferences in any of the art cited and applied by the Examiner. Many features and qualities of the information presented to users are discussed, but not language usage preferences such as pronoun usage as described by Applicants.

Response to July 25, 2007 Office Action


Page 8 of 9
November 26, 2007

AUS920030326US1**10/606,683**

The Examiner has indicated that claims 6, 7, 14 and 15 describe patentable subject matter. Applicants, however, urge the Examiner to reconsider and withdraw his 35 USC 103 rejections, and pass the case to issue with all claims.

The Examiner objected to the drawing. Applicants have included a proposed amendment to the figures with this paper. The appended replacement sheet was earlier presented in October 2005. The examiner has not explicitly conveyed his approval, or not, of Applicants' addition of labels to elements 10, 14, 24, 50 and 72.

Respectfully submitted,


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Response to July 25, 2007 Office Action

Page 9 of 9
November 26, 2007